

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

JACK ELWOOD McCLENDON,

Plaintiff,

VS.

ROCHELLE LYNCH, *et al.*,

Defendants.

7:03-cv-01863-LSC-JEO


FINAL JUDGMENT

In accordance with the Memorandum of Opinion entered contemporaneously herewith and with Rule 58, FED. R. CIV. P., it is hereby **ORDERED, ADJUDGED, and DECREED** that the plaintiff's claims in this action are **DISMISSED** for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1) and (2). The plaintiff is hereby put on notice that the dismissal of this action is a dismissal countable for purposes of 28 U.S.C. § 1915(g).

Costs are taxed to the plaintiff.

For information regarding the cost of appeal, see the attached notice.

Done this 28th day of October 2005.


L. SCOTT COOGLER

UNITED STATES DISTRICT JUDGE

124153

United States Court of Appeals

Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) now **REQUIRES** that all prisoners pay the court's \$250 docket fee plus \$5 filing fee (for a total of \$255) when appealing any civil judgment.

If you wish to appeal in a civil case that Act now **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$255 fee to the clerk of the district court from which this case arose;
or
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$255 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$255 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, **BUT THE TOTAL \$255 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.**)

Fees are not refundable, regardless of the outcome, and deductions from your prison account will continue until the total \$255 fee is collected, even if an appeal is unsuccessful.

THOMAS K. KAHN
Clerk